

REMARKS

Claims 1 – 10, 18, and 19 are currently pending. Claims 1 and 18 are the pending independent claims. Claims 1 – 6 and 18-19 are rejected under 35 U.S.C § 102(e) over U.S. Patent Number 7,271,269 to Antoncic et al. (“Antoncic”). Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Claims 1, 7, 8, and 18 have been amended. No new matter has been introduced by any of these amendments, which are all supported by the disclosure of the original claims and the specification.

Each of the foregoing rejections is respectfully traversed and favorable reconsideration is requested in view of the above amendments and following remarks.

The § 102(e) Rejection

As amended herein, independent claims 1 and 18 call for, *inter alia*, a pharmaceutical composition including an active pharmaceutical susceptible to undesirable polymorphic effects, such as certain salts of losartan, together with from about 50 % to about 70 % by weight silicified microcrystalline cellulose, and from 1 % to about 10 % by weight of a stabilizing substance selected from the group consisting of colloidal silicon dioxide, finely divided silicon dioxide, magnesium oxide, calcium oxide, and polyethylene glycol.

Antoncic is not believed to disclose or suggest the use of from 1 to about 10 % of a stabilizing substance as specified in the current claims. In both of Antoncic’s Examples 52a and 52b, the amount of colloidal silicon dioxide is only said to be about 0.95 percent by weight of the overall pharmaceutical composition. This amount is outside the presently claimed ranges.

Based on the amendments to claims 1 and 18 and the above discussion, claims 1 and 18 should now be deemed to patentably distinguish over Antoncic. The Section 102(e) rejection based thereon should therefore be withdrawn.

Claims 2 - 9 depend from independent claim 1 and claim 19 depends from claim 18. These dependent claims contain additional important aspects of embodiments of the invention. Therefore, the dependent claims should likewise be deemed to patentably distinguish over Antoncic.

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In light of the foregoing, Applicants respectfully request that the Examiner reconsider the application, withdraw all rejections, and issue a Notice of Allowance of all pending claims at the earliest possible convenience.

In the event this response is not timely filed, Applicants hereby petition for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to our **Deposit Account No. 12-2355**.

Respectfully submitted.

LUDEKA, NEELY & GRAHAM, P.C.

By: /Mark S. Graham/

Mark S. Graham
Registration No. 32,355

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P.O. Box 1871
Knoxville, Tennessee 37901
(865) 546-4305

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